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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 35th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 August 1998, at 3 p.m.

Chairman: Mr. GUISSÉ

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(b) REVIEW OF DEVELOPMENTS CONCERNING RECOMMENDATIONS AND DECISIONS RELATING, INTER ALIA, TO:

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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:

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(d) HUMAN RIGHTS AND DISABILITY;

(e) OTHER NEW DEVELOPMENTS:

(i) ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS;

(ii) ARBITRARY DEPRIVATION OF NATIONALITY

(agenda item 12) (continued) (E/CN.4/Sub.2/1998/L.36, L.37, L.38, L.40, L.42, L.44 and L.45)

1. Mr. GOONESEKERE said that the Universal Declaration of Human Rights had united humankind by proclaiming the profound universal truth that, in spite of racial, ethnic, religious, linguistic, gender and other differences, the members of the human family shared the common ideal of proclaiming and protecting human dignity.

2. The United Nations had made giant strides in the global promotion and protection of human rights since 1948 through standard-setting, the establishment of implementation and monitoring mechanisms, and the education of the peoples of the world about human rights. Non-governmental organizations (NGOs) had played a vital role in those activities, displaying admirable commitment, seriousness of purpose and discipline. In that connection, the adoption of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms was long overdue.

3. There were two major challenges to the twin principles of the universality and indivisibility of human rights enshrined in the Vienna Declaration and Programme of Action, namely, the arguments relating to cultural relativism and the divisibility of human rights. Many other challenges lay ahead also. United Nations human rights bodies must concentrate their efforts in two areas. First, priority must be given to the realization of social justice, since many conflicts throughout the world were engendered by the denial of equality and of economic, social and cultural rights. It was a salutary step for the Sub-Commission to highlight those rights and an ironic fact that the very Governments which proclaimed their superiority failed to incorporate them into their domestic legislation. Secondly, continued emphasis must be placed on the responsibility of non-State actors to respect human rights, particularly in view of the adverse impact of the activities of transnational business entities and terrorist groups on the enjoyment of human rights.

4. The celebrations to mark the fiftieth anniversary of the Universal Declaration of Human Rights would be hollow indeed unless they were accompanied by a commitment on the part of the United Nations to place human rights activities at the centre of its agenda and to make more resources available to that end.

5. Mrs. WARZAZI said that the Universal Declaration of Human Rights could be criticized on a number of counts: there was no reference to the right to self-determination and article 2 implicitly recognized colonialism; women were ignored save for a passing reference in the fifth preambular paragraph; and only 7 of the 30 articles pertained to economic, social and cultural rights. Despite those flaws, however, considerable progress had been made in self-determination, the rights of women and the indivisibility of rights.

6. Although Africa had played a major role in such events as the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Covenants on Human Rights, and the convening of the World Conference on Human Rights, the vast majority of Africans did not enjoy the rights proclaimed in the Universal Declaration. The picture instead was one of displacement and exile, ethnic conflict, ignorance, hunger and insecurity.

7. What purpose was served by the Universal Declaration of Human Rights if most members of the human race were unable to read it? Article 28, which stated that everyone was entitled to a social and international order in which

the rights and freedoms set forth in the Declaration could be fully realized, had been sadly neglected. Until such time as individual nations and the international community summoned up the political will to implement that article, the other objectives of the Declaration would remain unfulfilled.

Draft resolution on the promotion of dialogue on human rights issues (E/CN.4/Sub.2/1998/L.36)

8. The CHAIRMAN said that Mr. Joinet had become a sponsor of the draft resolution.

9. The draft resolution was adopted.

Draft resolution on human rights and terrorism (E/CN.4/Sub.2/1998/L.37)

10. Mrs. WARZAZI, introducing the draft resolution, said that it not only established the link between human rights and terrorism but also provided a definition of terrorism lacking in international humanitarian law, although she noted that there was such a definition in the Islamic Declaration of Human Rights.

11. Mr. SALINAS RIVERA said that, although he was not a sponsor of the draft resolution, he gave it his full support. One correction should, however, be made: the fourth preambular paragraph contained a loose turn of phrase, "the destruction of human rights". Human rights could be violated, but they could not be destroyed.

12. Mr. JOINET said that terrorism always engendered more terrorism, in a vicious circle of destruction. The phrase in question should be retained because it also covered the notion of State terrorism.

13. The draft resolution was adopted.

Draft decision on a working paper on a study of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering (E/CN.4/Sub.2/1998/L.38)

14. Mr. GENOT, introducing the draft decision, said that the Commission feared that the Sub-Commission insisted too much on the close connection between human rights and armed conflict. In fact, however, that connection had been recognized in all international treaties, beginning with the Hague Conventions. Indeed, he considered that the Sub-Commission should do further work on reinforcing the link between human rights and armed conflict.

15. Mr. JOINET said that he had become a sponsor of the draft decision.

16. Ms. HAMPSON said that, under the recently negotiated Statute of the International Criminal Court, crimes against humanity had been defined in such a way as to include systematic violations of human rights law. The States had thereby conceded that there was an overlap between human rights law and the law of armed conflict.

17. The draft decision was adopted.

Draft decision on the adverse consequences of economic sanctions on the enjoyment of human rights (E/CN.4/Sub.2/1998/L.40)

18. Mr. GENOT, introducing the draft decision, drew attention to the written statement by International Educational Development, Inc. (E/CN.4/Sub.2/1998/NGO/24), which gave examples of the effects of economic sanctions in various situations. While he did not share all the views expressed, the document provided valuable information, which could be checked through the Office of the High Commissioner for Human Rights and other sources. In that connection, he suggested that, at a future session, the Sub-Commission could hold a structured and extensive theoretical discussion on the basis of the document.

19. Mr. JOINET said he failed to understand the purpose of the draft decision. The Sub-Commission would surely not discontinue consideration of the adverse consequences of economic sanctions on the enjoyment of human rights if the draft decision were not adopted. Perhaps the aim was simply to underscore the importance of the topic.

20. Mr. ALFONSO MARTÍNEZ concurred. The implication of the draft decision appeared to be that topics not supported by a draft decision might disappear from the agenda.

21. Mr. GENOT said he was willing to withdraw the draft decision if the Sub-Commission thought that it constituted a bad precedent. He would prefer its retention, however, since by its resolution 1997/35 the Sub-Commission had decided to consider the topic at its current session. That had not proved possible and the sponsors were anxious to ensure that it would be considered at the next session.

22. Mr. EIDE said that the draft decision should be adopted. Mr. Bossuyt, who had given much thought to the topic, had been unable to be present at the current session but would attend the next.

23. The CHAIRMAN said that Mr. Eide and Mr. Joinet had become sponsors of the draft decision.

24. The draft decision was adopted.

Draft decision on reservations to human rights treaties (E/CN.4/Sub.2/1998/L.42)

25. Mr. ALFONSO MARTÍNEZ said that he fully supported the draft decision. He was, however, concerned about the definite trend towards placing the Sub-Commission in a subordinate position vis-à-vis the treaty bodies. Their proposals regarding studies detracted from the Sub-Commission's capacity for initiating its own studies. Even though the Commission would probably authorize the study on reservations to human rights treaties, the number of studies that could be carried out was necessarily limited. The Sub-Commission should give serious consideration to the matter.

26. The CHAIRMAN said he wondered whether there might not be some duplication between the proposed working paper and the suggestion at the

morning meeting that Mr. Kartashkin might prepare a working paper on ways in which the Sub-Commission could examine the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States not parties to the United Nations human rights conventions.

27. Mr. JOINET said that States' reservations to treaties had almost as much impact as their accession. There were so many reservations to the International Covenant on Civil and Political Rights, for example, that the effect of the Covenant was distorted. He suggested that one solution might be to merge the two proposed working papers.

28. Mr. EIDE said that, while there was undoubtedly a link between the two proposed working papers, a working paper was not a study, which was a far more formal undertaking. Working papers were useful in providing a deeper understanding of a topic; they by no means always developed into studies.

29. Mr. WEISSBRODT concurred. There was no inherent overlap or conflict, as the Chairman had suggested, although the authors of the proposed working papers might wish to make periodic checks with one another to ensure that that remained the case. As for the point made by Mr. Alfonso Martínez, he noted that there were only three studies currently being conducted, which was well below the limit of the Sub-Commission's capacity. Since the treaty bodies did not have any such capacity, the Sub-Commission made a real contribution by undertaking studies to the promotion of human rights.

30. The CHAIRMAN said that he had not used the word "conflict" in relation to the proposed working papers.

31. Mr. KARTASHKIN, speaking as a sponsor of the draft decision, said that the working paper it envisaged would not duplicate his own suggested working paper on the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States not parties to United Nations human rights conventions.

32. Mr. JOINET said that he would like to hear the views of other members of the Sub-Commission before proceeding to a vote.

33. Ms. HAMPSON said that there would be neither overlap nor conflict between the two proposed working papers since reservations could be entered only when a State ratified a treaty. Nor would there be any danger of duplication by the treaty bodies, given their limited study capability and the fact that they could consider only the scope of reservations to their own particular treaties. Only the Sub-Commission was able to consider reservations to the full range of human rights treaties. She pointed out that the text had been incorrectly described as a draft resolution in document E/CN.4/Sub.2/1998/L.42; it was, in fact, a draft decision.

34. Mr. YOKOTA said that he had not used the words "overlap" or "conflict" at the previous meeting but had merely pointed out that the two proposed working papers were "interlinked", and that, at its forthcoming session, the Sub-Commission should thus consider the two papers at the same time.

35. Mr. MEHEDI said he hoped that Ms. Hampson would, in her working paper, pay sufficient attention to the effective implementation of the treaties by the States parties, including the fundamental obligation upon them to disseminate the treaties. His own Government usually contented itself with publishing the instrument proper, without its reservations thereto.

36. The draft decision, as orally corrected, was adopted.

Draft decision on the humanitarian situation in Iraq (E/CN.4/Sub.2/1998/L.44)

37. The CHAIRMAN said that Mr. Mehedi wished to become a sponsor of the draft decision. He pointed out that, as in the case of the last draft decision, the instant one was also incorrectly described as a draft resolution, but in the English version only.

38. Mrs. WARZAZI, introducing the draft decision, said that there were two small changes to be made to the text. In the second paragraph, the words "of the Special Rapporteur of the Human Rights Commission on the situation of human rights in Iraq (E/CN.4/1998/67)" should be inserted after the words "United Nations" in the second line. The words "Having in mind General Comment No. 3 (1997) of the Committee on Economic, Social and Cultural Rights" should be inserted at the end of the third paragraph.

39. Mr. EIDE said that the two additions Mrs. Warzazi had just made were very significant. The report of the Special Rapporteur on Iraq (E/CN.4/1998/67) described the economic and social situation in the country and made it clear that many of the problems were due to the way in which the Government of Iraq had handled the situation. The words "including that of Iraq" in the last sentence of the draft decision were also crucial. The Government of Iraq was one of the most ruthless of regimes and its attitude to the Kurds and Shi'ite Muslims was "frightful". The General Comment of the Committee on Economic, Social and Cultural Rights made the point that the international community must not further exacerbate the suffering of an oppressed people by means of an embargo. He emphasized that the draft decision sought to address only the humanitarian aspects of sanctions.

40. The draft decision was adopted.

Draft resolution on the injurious effects of anti-personnel landmines (E/CN.4/Sub.2/1998/L.45)

41. Mr. SALINAS RIVERA, introducing the draft resolution, said he apologized for not having had the time to negotiate further on the text. He hoped, however, that it could nevertheless be adopted by consensus.

42. The CHAIRMAN said that Mr. Gomez-Robledo Veduzco, Mr. Maxim, Mr. Eide and Mr. Genot had become sponsors of the draft resolution.

43. Mr. ALFONSO MARTÍNEZ said that, if the draft resolution were put to the vote, he would abstain, since its subject was outside the scope of the Sub-Commission's competence, although the injurious effects of anti-personnel

landmines were known to all. If the draft resolution were adopted without a vote, he wished to place on record that he did not intend to be associated with it in any way.

44. Mrs. WARZAZI proposed that a new preambular paragraph be inserted before or after the ninth preambular paragraph to read: "Underscoring the continuous threat that old and abandoned landmines pose to human lives as well as their detrimental effects for development efforts," and that a new operative paragraph be inserted wherever appropriate to read: "Urges all countries responsible for the laying of anti-personnel landmines in foreign territories to assume full responsibility for the necessary mine clearance operations, and to cooperate with the host countries for this purpose in every way possible, in particular with developing countries;".

45. Ms. HAMPSON, speaking as a sponsor of the draft resolution, said she was able to accept those amendments which, she considered, improved the text. The widespread use of anti-personnel landmines threatened the right to life of civilian populations. Children, a special concern of the Sub-Commission, were at particular risk of death or injury from landmines. Landmines also prevented people from returning to their places of origin. The draft resolution thus related to a number of items of concern to the Sub-Commission. The indiscriminate use of landmines by States and non-State actors was capable of constituting a war crime as recently determined by the Statute of the International Criminal Court. Paragraphs 2 and 3 were thus of particular importance.

46. Mr. JOINET said that he wished to become a sponsor of the draft resolution. The amendments proposed by Mrs. Warzazi, which he supported, were fundamental and long overdue.

47. Mr. FAN Guoxiang said that he had strong reservations concerning the entire text, for reasons that he had elaborated at the previous session. He would not, however, impede a consensus if one developed.

48. The CHAIRMAN said that Mr. Mehedi, Mr. Sik Yuen and Mr. Yimer wished to become sponsors.

49. Mr. WEISSBRODT, speaking as a sponsor of the draft resolution, said that he was slightly taken aback by the proposed amendments. The reference to "full responsibility", in particular, might have unknown legal implications, especially with respect to landmines laid in earlier wars. The Sub-Commission must not stray into areas beyond its competence by referring to negotiations occurring elsewhere. It would be preferable to return to the more appropriate language adopted in the previous year's resolution, which had asked the Secretary-General to appeal to all Governments, particularly those of States that had in the past laid anti-personnel landmines, to contribute to the Voluntary Trust Fund for Assistance in Mine Clearance.

50. Mr. PARK said that he had serious doubts as to whether the issue fell within the competence of the Sub-Commission. He would not, however, wish to break a consensus if one existed.

51. Mr. GENOT, speaking as a sponsor, said that if the resolution were to refer to responsibility for the laying of landmines in the past, it could well slow down universal ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Mechanisms for dealing with the past had been created elsewhere; it was more important to ensure that no mines were laid in the future. It would thus be better to adopt the draft resolution by consensus without Mrs. Warzazi's proposed amendment to the operative part.

52. The CHAIRMAN said that landmines continued to be laid; the south of his own country was infested with them.

53. Mr. KHALIL said that the amendments proposed by Mrs. Warzazi did not derogate from the Convention. It was a question of balance, and the amendments improved the text. In response to Mr. Weissbrodt, he said that it was not a matter of the past: people were still being killed and maimed by landmines and it was his understanding that the longer they remained in the ground the more dangerous they became.

54. The Western Desert of Egypt still contained an astounding number of mines left over from the Second World War and, as a result, Egypt was unable to exploit its natural resources. Those who had laid the mines should accept the responsibility and help Egypt to remove them.

55. Mr. YOKOTA said he supported the draft resolution as it stood and could adopt it even with the proposed amendments if they were acceptable to all other members. As for the concern expressed that the subject might fall outside the Sub-Commission's jurisdiction because it was within the jurisdiction of the Security Council and other United Nations bodies, it had to be acknowledged that there were many important issues that lay within the jurisdiction of several United Nations bodies. Anti-personnel landmines affected mainly children and farmers and the local residents who were forced to clear them for the armed forces, rather than the combatants themselves. They affected the development of developing countries.

56. As a body concerned with human rights, the Sub-Commission should address the issue even if it touched on the jurisdiction of other United Nations bodies. In his view, the draft resolution should be adopted by consensus.

57. Ms. HAMPSON said she wished to reassure Mr. Weissbrodt regarding the second proposed amendment which called for full responsibility to be "assumed": one did not "assume" something for which one was legally liable, and one did not "urge" a State which was already legally bound to do something to do it. The responsibility concerned was not for having laid the mines but for clearing them. It was a case of moral responsibility rather than legal liability, and the wording made that clear. Landmines laid long ago were still killing people.

58. Mr. JOINET said he found it hard to imagine that a Sub-Commission resolution was going to prevent discussion of the subject elsewhere. The Sub-Commission could contribute to a further mobilization of the opinions of Governments and NGOs, and it should be firm. The draft resolution should

refer to "assistance" rather than "responsibility", and use the phrase "adverse consequences for human rights" rather than "detrimental effects for development efforts". That would place the subject more clearly within the Sub-Commission's area of competence and might facilitate a consensus.

59. Mrs. WARZAZI said that, by establishing the link with human rights, Mr. Joinet's suggestion might indeed make a consensus easier.

60. Mr. WEISSBRODT said that he had been convinced by his colleagues' arguments that the draft resolution would not impose anything other than moral responsibility. Though he would still be happier with language similar to that used in resolution 1997/33, he was able to accept the proposed amendments.

61. The draft resolution, as orally amended, was adopted.

Draft decision

62. The CHAIRMAN invited Mr. Eide to read out the text of the draft decision sponsored by himself, Mr. Kartashkin, Ms. Koufa and Mr. Mehedi.

63. Mr. EIDE read out the following draft decision:

> "The Sub-Commission decided, at its 35th meeting on 26 August 1998, to request Mr. Vladimir Kartashkin to prepare, without financial implications, a working paper on ways in which the Sub-Commission can examine the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions and to present it to the fifty-first session of the Sub-Commission.
>
> "The Sub-Commission also decided to change the title of the sub-item 'Encouragement of universal acceptance of human rights instruments' by adding the words 'and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions', and to make this an annual sub-item of the agenda."

64. Mr. YOKOTA said the fact that a large number of States were not yet parties to many important human rights instruments was undoubtedly a problem. He had thus supported the statement made at the previous meeting by Mr. Kartashkin, but had understood that his proposed working paper would examine the current situation with respect to which States were parties to United Nations human rights conventions and which were not, why some States had not ratified them and ways and means of dealing with the problem. He had, in fact, expected a broader mandate than appeared in the draft decision, but he would not block a consensus.

65. Mrs. WARZAZI said that, although the purpose of the draft decision was a good one, it was very vague. The Universal Declaration of Human Rights did not contain all the human rights and fundamental freedoms that existed in the United Nations human rights treaties and conventions: it said nothing about

women's rights, the rights of the child, the right to development or the right of each country and people fully to enjoy their own natural resources. An attempt to oblige States that had not ratified United Nations human rights conventions to implement the rights and fundamental freedoms contained in the Universal Declaration of Human Rights would not be commensurate with the sponsors' real objectives.

66. Mr. KARTASHKIN said that his working paper would, of course, address the concerns expressed by Mr. Yokota and Mrs. Warzazi.

67. The draft decision was adopted.

ORGANIZATION OF WORK:

(c) METHODS OF WORK OF THE SUB-COMMISSION

(agenda item 1 (c)) (continued) (E/CN.4/Sub.2/1998/L.15)

Draft decision on the working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1998/L.15)

68. The CHAIRMAN announced that Mr. Alfonso Martínez, Mr. Eide, Mr. Joinet, Mr. Khalil, Mr. Maxim, Mr. Mehedi and Mrs. Warzazi had become sponsors of the draft decision.

69. The draft decision was adopted.

Draft decision on the composition of the pre-sessional working groups of the Sub-Commission

70. The CHAIRMAN, having read out the draft decision concerning the composition of the Sub-Commission's pre-sessional working groups, said he took it that the members wished to adopt it.

71. The draft decision* was adopted.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/1998/L.39)

Draft resolution on the prevention of discrimination against and protection of minorities (E/CN.4/Sub.2/1998/L.39)

72. The CHAIRMAN said that Mr. Salinas Rivera had become a sponsor of the draft resolution.

73. The draft resolution was adopted.

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* Subsequently Sub-Commission decision 1998/109.

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS:

(a) QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY;

(b) APPLICATION OF INTERNATIONAL STANDARDS CONCERNING THE HUMAN RIGHTS OF DETAINED JUVENILES;

(c) GROSS AND MASSIVE VIOLATIONS OF HUMAN RIGHTS AS AN INTERNATIONAL CRIME;

(d) JUVENILE JUSTICE;

(e) PRIVATIZATION OF PRISONS;

(f) INDIVIDUALIZATION OF PROSECUTION AND PENALTIES, AND REPERCUSSIONS OF VIOLATIONS OF HUMAN RIGHTS ON FAMILIES

(agenda item 9) (continued) (E/CN.4/Sub.2/1998/L.46)

Draft resolution on the draft international convention on the protection of all persons from enforced disappearances (E/CN.4/Sub.2/1998/L.46)

74. The CHAIRMAN said that Mr. Alfonso Martínez and Mr. Joinet had become sponsors of the draft resolution.

75. The draft resolution was adopted.

Draft decision on the sessional working group on the administration of justice

76. Mr. JOINET, having read out the draft decision, said he thought it important to provide both the Commission on Human Rights and the Sub-Commission with a brief summary of the decisions of the working group on the administration of justice.

77. Mr. ALFONSO MARTÍNEZ said he supported the draft decision. On the subject of privatization of prisons, he proposed inserting the words "and other relevant documents" after "the note prepared by Ms. Hampson on this subject".

78. It was so agreed.

79. Mr. WEISSBRODT said he thought it should be explicitly stated that none of the decisions mentioned had financial implications.

80. Mr. ALFONSO MARTÍNEZ proposed that the words "all of the foregoing without financial implications" should be added at the end of the first paragraph.

81. It was so agreed.

82. Mrs. WARZAZI said that, while she accepted the amendment, she wished to point out that persons preparing reports often incurred expenses that were not reimbursed. That was an unacceptable situation.

83. The draft decision*, as orally amended, was adopted.

FREEDOM OF MOVEMENT:

(a) THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY, AND THE RIGHT TO SEEK ASYLUM FROM PERSECUTION;

(b) HUMAN RIGHTS AND POPULATION DISPLACEMENTS

(agenda item 10) (continued) (E/CN.4/Sub.2/1998/L.41 and L.43)

Draft resolution on housing and property restitution in the context of the return of refugees and internally displaced persons (E/CN.4/Sub.2/1998/L.41)

84. The CHAIRMAN said that Mr. Joinet, Mr. Goonesekere, Ms. Hampson and Mr. Maxim had become sponsors of the draft resolution.

85. The draft resolution was adopted.

Draft resolution on forced population transfer (E/CN.4/Sub.2/1998/L.43)

86. Mr. PARK suggested that the reference to the Universal Declaration of Human Rights in the first preambular paragraph should precede the reference to the International Covenant on Civil and Political Rights.

87. It was so agreed.

88. Mrs. WARZAZI said that the mistranslation of "across borders" in the second preambular paragraph as "à l'intérieur des frontières" in the French version of the draft resolution must be corrected.

89. Mr. SHAMSHUR proposed that the word "forced" should be inserted before "population transfer" in the second preambular paragraph.

90. It was so agreed.

91. Mr. ALFONSO MARTÍNEZ said he was surprised that the expert seminar referred to in paragraph 2 would have no financial implications. Funds were apparently to be sought from sources other than the United Nations. In his view, it was undesirable to involve outside bodies in funding because they

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* Subsequently Sub-Commission decision 1998/110.

might wish to influence decision-making. He would thus prefer wording that left the door open for a possible United Nations input, for instance from the Office of the High Commissioner for Human Rights.

92. Mr. EIDE proposed the insertion of the words "if necessary" before "without financial implications" in the last preambular paragraph and paragraph 2.

93. It was so agreed.

94. The draft resolution, as orally amended, was adopted.

The meeting rose at 6.10 p.m.